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**TITLE 327 WATER POLLUTION CONTROL BOARD**

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**NOTICE OF READOPTION**  
**IC 13-14-9.5-1.1 NOTICE OF RULE REVIEW**  
LSA Document #09-596

This is a notice of rule review as described in [IC 13-14-9.5-1.1](#), which describes types of rules that do not expire after seven years. These types of rules are: (1) rules required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; and (2) rules required to begin or continue receiving federal funding for implementation or operation of a program.

The Indiana Department of Environmental Management (IDEM) is required to publish a list of these rules that have been effective for seven years and request comment, in a 30 day comment period, on any specific rule that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM must also provide notice of a public hearing before the Water Pollution Control Board (board) concerning this [IC 13-14-9.5-1.1](#) rule review. IDEM will respond to all comments received during the comment period and provide the comments and responses to the board during the public hearing. The board, after considering the comments, responses, and testimony at the hearing, will direct IDEM on whether additional rulemaking actions must be started to address concerns raised to the board.

**[IC 13-14-9-4\(a\)\(5\)](#) THROUGH [IC 13-14-9-4\(a\)\(7\)](#) IDENTIFICATION OF RESTRICTIONS AND REQUIREMENTS NOT IMPOSED UNDER FEDERAL LAW**

[IC 13-14-9.5-1.1](#) requires this notice to contain the information described under [IC 13-14-9-4\(a\)\(5\)](#) through [IC 13-14-9-4\(a\)\(7\)](#) regarding restrictions and requirements of the listed rules that are not imposed under federal law. The listed rules at:

- (1) [327 IAC 2-1](#) establish water quality standards for waters of the state;
- (2) [327 IAC 5-2](#) and [327 IAC 5-4](#) concern rules regarding the National Pollutant Discharge Elimination System (NPDES);
- (3) [327 IAC 8-2](#) and [327 IAC 8-2.5](#) establish the drinking water standards and the disinfectants and disinfection requirements in public water supply, respectively; and
- (4) [327 IAC 15-13](#) establish rules under the NPDES General Permit System for storm water run-off associated with municipal separate storm sewer system conveyances.
- (5) [327 IAC 15-14](#) establish rules under the NPDES General Permit System for On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District.

The Clean Water Act (CWA) is the authority for water quality standards and NPDES rules. Because of the variability of waters across the nation, the federal regulations under the CWA do not specify exact standards for the states but do require the states to establish standards that are federally reviewed and approved in order for a state to have delegation to conduct the NPDES program for the state. Indiana is a delegated state and, as such, the water quality standards and NPDES rules have been federally approved. The NPDES General Permit System rules are permissible under the CWA but are not required. However, as general permits are a simplified version of NPDES permitting for those categories of dischargers in one geographic area with the same or substantially similar types of operations with similar operational and monitoring requirements, they are an effective and efficient permitting tool desired by the various categories of dischargers for which general permits are established.

The drinking water standards and the disinfectants and disinfection rules for public water supply are federally required under the Safe Drinking Water Act (SDWA). Indiana must have regulations as stringent as the federal safe drinking water standards so that IDEM may maintain primacy (primary enforcement authority) for the safe drinking water programs and receive available federal funding.

**LIST OF RULES**

The following is a list of rules in 327 IAC that have been effective for seven years and are: (1) required to receive or maintain delegation, primacy, or approval for implementation or operation of a program established under federal law; or (2) required to begin or continue receiving federal funding for implementation or operation of a program:

ARTICLE 2. WATER QUALITY STANDARDS

- Rule 1. Water Quality Standards Applicable to All State Waters Except Waters of the State Within the Great Lakes System

[327 IAC 2-1-8.7](#) Determination of bioconcentration factor

ARTICLE 5. INDUSTRIAL WASTEWATER PRETREATMENT PROGRAMS AND NPDES

- Rule 2. Basic NPDES Requirements

[327 IAC 5-2-9](#) Notification requirements for toxic pollutants

Rule 4.	Special NPDES Programs
<a href="#">327 IAC 5-4-6</a>	Storm water discharges
ARTICLE 8.	PUBLIC WATER SUPPLY
Rule 2.	Drinking Water Standards
<a href="#">327 IAC 8-2-5</a>	Organic chemicals other than volatile compounds; maximum contaminant levels
<a href="#">327 IAC 8-2-5.3</a>	Collection of samples for total trihalomethanes testing; community water systems
<a href="#">327 IAC 8-2-30</a>	Maximum contaminant level goals; organic compounds
<a href="#">327 IAC 8-2-31</a>	Maximum contaminant level goals; microbiological contaminants
<a href="#">327 IAC 8-2-48</a>	Monitoring of consecutive public water systems
Rule 2.5.	Disinfectants and Disinfection
<a href="#">327 IAC 8-2.5-1</a>	Maximum residual disinfectant level goals; disinfectants
<a href="#">327 IAC 8-2.5-2</a>	Maximum contaminant levels; disinfection byproducts
<a href="#">327 IAC 8-2.5-3</a>	Maximum residual disinfectant levels
<a href="#">327 IAC 8-2.5-4</a>	General requirements; disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors
<a href="#">327 IAC 8-2.5-5</a>	Analytical requirements; disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors
<a href="#">327 IAC 8-2.5-6</a>	Monitoring requirements; disinfectant residuals, disinfection byproducts, and disinfection byproducts precursors
<a href="#">327 IAC 8-2.5-7</a>	Compliance requirements; disinfectants and disinfection byproducts
<a href="#">327 IAC 8-2.5-8</a>	Reporting and record keeping requirements; disinfectants and disinfection byproducts
<a href="#">327 IAC 8-2.5-9</a>	Treatment techniques for control of disinfection byproducts precursors
ARTICLE 15.	NPDES GENERAL PERMIT RULE PROGRAM
Rule 13.	Storm Water Run-Off Associated with Municipal Separate Storm Sewer System Conveyances
<a href="#">327 IAC 15-13-1</a>	Purpose
<a href="#">327 IAC 15-13-2</a>	Applicability
<a href="#">327 IAC 15-13-3</a>	MS4 area designation criteria
<a href="#">327 IAC 15-13-4</a>	General permit boundary
<a href="#">327 IAC 15-13-5</a>	Definitions
<a href="#">327 IAC 15-13-6</a>	Notice of intent letter requirements
<a href="#">327 IAC 15-13-7</a>	SWQMP-Part B: baseline characterization and report
<a href="#">327 IAC 15-13-8</a>	Submittal of an SWQMP-Part C: program implementation
<a href="#">327 IAC 15-13-9</a>	Submittal of an NOI letter and other documents
<a href="#">327 IAC 15-13-10</a>	MS4 permit implementation; coordination with total maximum daily load allocations
<a href="#">327 IAC 15-13-11</a>	Compliance schedule
<a href="#">327 IAC 15-13-12</a>	Storm water quality management plan public education and outreach MCM
<a href="#">327 IAC 15-13-13</a>	Storm water quality management plan public participation and involvement MCM
<a href="#">327 IAC 15-13-14</a>	Storm water quality management plan illicit discharge detection and elimination MCM
<a href="#">327 IAC 15-13-15</a>	Storm water quality management plan construction site storm water run-off control MCM
<a href="#">327 IAC 15-13-16</a>	Storm water quality management plan postconstruction storm water run-off control MCM
<a href="#">327 IAC 15-13-17</a>	Storm water quality management plan municipal operations pollution prevention and good housekeeping MCM
<a href="#">327 IAC 15-13-18</a>	Reporting requirements
<a href="#">327 IAC 15-13-19</a>	Permit duration
<a href="#">327 IAC 15-13-20</a>	Permit termination
<a href="#">327 IAC 15-13-21</a>	Standard conditions
<a href="#">327 IAC 15-13-22</a>	Inspection and enforcement
Rule 14.	On-Site Residential Sewage Discharging Disposal Systems within the Allen County On-Site Waste Management District
<a href="#">327 IAC 15-14-1</a>	Purpose
<a href="#">327 IAC 15-14-2</a>	Applicability
<a href="#">327 IAC 15-14-3</a>	Definitions
<a href="#">327 IAC 15-14-4</a>	NOI letter requirements
<a href="#">327 IAC 15-14-5</a>	Deadline for submission of a NOI letter and update requirements
<a href="#">327 IAC 15-14-6</a>	General permit rule boundary
<a href="#">327 IAC 15-14-7</a>	General requirements
<a href="#">327 IAC 15-14-8</a>	Discharge limits and monitoring and reporting requirements

<a href="#">327 IAC 15-14-9</a>	Standard conditions
<a href="#">327 IAC 15-14-10</a>	Inspection and enforcement
<a href="#">327 IAC 15-14-11</a>	Duration and renewal of coverage

#### **REQUEST FOR PUBLIC COMMENTS**

At this time, IDEM solicits comments on specific rules listed above that should be reviewed through the regular rulemaking process under [IC 13-14-9](#). IDEM requests that specific changes and language suggestions accompany such comments. Mailed comments should be addressed to:

LSA Document #09-596 (2009 WPCB Nonsunset rule review)

MaryAnn Stevens

Rules Development Branch

Office of Legal Counsel

Indiana Department of Environmental Management

100 North Senate Ave.

MC 65-41

Indianapolis, Indiana 46204-2251

Hand delivered comments will be accepted by the receptionist on duty at the thirteenth floor reception desk, Office of Legal Counsel, Indiana Government Center North, 100 North Senate Avenue, Room N1301, Indianapolis, Indiana. Comments also may be submitted by facsimile to (317) 233-5517. Please confirm the timely receipt of faxed comments by calling the Rules Development Branch at (317) 233-8903. Please note it is not necessary to follow a faxed comment letter with a copy of the letter submitted through the postal system.

#### **COMMENT PERIOD DEADLINE**

Comments must be postmarked, faxed, or hand delivered by September 4, 2009.

Additional information regarding this action may be obtained from MaryAnn Stevens, Rules Section, Office of Legal Counsel (317) 232-8635 or (800) 451-6027 (in Indiana).

Bruno Pigott

Assistant Commissioner

Office of Water Quality

*Posted: 08/05/2009 by Legislative Services Agency*

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